

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

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|------------------------------|---|----------------------------|
| Flint E. Topping, | : | |
| | : | |
| Plaintiff | : | Civil Action 2:11-cv-00727 |
| | : | |
| v. | : | Judge Watson |
| | : | |
| Ohio Adult Parole Authority, | : | Magistrate Judge Abel |
| | : | |
| Defendant | : | |

Order

This matter is before the Magistrate Judge on plaintiff Flint E. Topping's May 31, 2012 request for subpoenas and an order (doc. 28).

Plaintiff requests that the Court direct the Clerk of Court to issue subpoenas pursuant to Rule 45 of the Federal Rules of Civil Procedure to the Scioto County Jail and to the Turtlecreek Center Halfway House. The Clerk of Court is DIRECTED to issue two subpoenas to plaintiff. Plaintiff must complete the forms prior to service of the subpoenas. *See* Fed. R. Civ. P. 45(a)(3).

Plaintiff also seeks an order compelling the production of discovery documents from defendant. Defendant Ohio Adult Parole Authority filed a response to plaintiff's motion and acknowledged that it had not timely responded to plaintiff's request for discovery. Counsel for defendant intended to meet with his client shortly and to respond to plaintiff's request immediately thereafter. As a result, plaintiff's motion to

compel is DENIED without prejudice. In the event that plaintiff has not received responses to his discovery requests or is dissatisfied with the responses that he received, plaintiff may renew his motion. In his motion, plaintiff should clearly identify his discovery requests and defendant's response.

Plaintiff Flint E. Topping's May 31, 2012 request for subpoenas and an order (doc. 28) is GRANTED in part and DENIED in part.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P., and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by the District Judge. The motion must specifically designate the Order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/ Mark R. Abel
United States Magistrate Judge